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June 25, 2024

**VIA ECF**

Honorable P. Kevin Castel  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

**RE: *United States v. Juan Orlando Hernandez*, 15-cr-379 (PKC)**

Dear Judge Castel:

Defendant Juan Orlando Hernandez respectfully requests, pursuant to Rule 38(b)(2) of the Federal Rules of Criminal Procedure, that the Court recommend to the Bureau of Prisons (“BOP”) by issuing the accompanying proposed order, that the BOP allow Mr. Hernandez to remain at the Metropolitan Detention Center (“MDC”) in Brooklyn after his sentencing to facilitate access to his appellate counsel pending the filing of the briefs in his anticipated appeal.

Rule 38(b)(2) provides that “[i]f the defendant is not released pending appeal, the court may recommend to the Attorney General that the defendant be confined near the place of the trial or appeal for a period reasonably necessary to permit the defendant to assist in preparing the appeal.” Fed. R. Cr. Proc. 38(b)(2). Such a request was granted in *United States v. Bankman-Fried*, 22-CR-673 (LAK) (Dkt. 440) *See* Exhibit A (signed order recommending Defendant remain at MDC). *See also*, *United States v. Carl*, No. 07-CR-29-P-S, 2008 WL 4615556 (D. Me. Oct. 16, 2008) (issuing similar order).

In addition, Mr. Hernandez’s status as the former president of Honduras poses a threat to his security and safety, particularly given that Mr. Hernandez was responsible for extraditing many high-profile drug traffickers to the United States and the MDC has been able to maintain

his security. His remaining at MDC will mitigate the risk to his safety, while also allowing him to remain close to his appellate counsel. A proposed Order accompanies this letter-motion.

Respectfully submitted,

/s/

Renato C. Stabile

attachments

cc: all counsel  
(via ECF)